

DAC
44
IT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sean A. McCarthy

Application No.: 08/842,898 (ABANDONED) Group Art Unit: 1646

Filed: April 17, 1997 Examiner: D. Romeo

For: NOVEL CRSP-1 COMPOSITIONS AND THERAPEUTIC AND DIAGNOSTIC
USES THEREFOR

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
6-14-04	Sondra J. Jammal
Date	Signature
Sondra J. Jammal	
Typed or printed name of person signing certificate	

RECEIVED

JUN 23 2004

OFFICE OF PETITIONS

SMALL ENTITY STATUS CHANGE AND FEE DEFICIENCY

SUBMISSION UNDER 37 C.F.R. 1.28(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please record a status change to --LARGE ENTITY-- for the above-referenced application.

This application did not qualify for small entity status. Although small entity status was established in good faith, and small entity fees were paid in good faith, it has recently been discovered that small entity status was established in error.

06/22/2004 CNGUYEN 00000138 080380 08842898

01 FC:1001	770.00	DP
02 FC:1202	243.00	DA
03 FC:1201	495.00	DP
04 FC:1051	602.00	DA
	130.00	DA

The subject application was transferred to this firm on January 19, 2004. Pursuant to a review of the file of this and related cases conducted on May 22, 2004, the undersigned requested the Assignee of record to review small entity status of the subject application, and the error was discovered.

An itemization of the deficiency payment, including a breakdown of the total amount paid and an indication of each deficiency, based on current fees, is shown in the listing provided below.

		Column A	Column B	
Filing date of original paper/fee	Type of fee paid	Current fee amount as a large entity	Amount originally paid	Deficiency (based on current fee amount) ¹
10/27/97	Basic filing fee - Utility - 1.16(a)	\$ 770	\$ 385	(a) \$ 405
10/27/97	Independent claims in excess of three - 1.16(b)	\$ 602	\$ 280	(b) \$ 322
10/27/97	Claims in excess of twenty - 1.16(c)	\$ 756	\$ 451	(c) \$ 473
10/27/97	Surcharge - Late filing fee/declaration - 1.16(e)	\$ 130	\$ 65	(d) \$ 65
TOTAL DEFICIENCY				\$ 1265

¹ The fee deficiency is ordinarily equal to (1) the difference between the fee in Column A minus the fee in Column B, or (2) in the case of a fee decrease, the amount previously due for a small entity.

37 C.F.R. § 1.28(c)(2)(i) provides that if the fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the fee deficiency is paid in full, the deficiency is equal to the amount previously due for a small entity. Effective October 1, 1997, the Basic filing fee was \$ 790 (\$ 395 for a small entity) and the fee for Claims in excess of twenty was \$ 22 (\$ 11 for a small entity). These fees have since decreased, such that the Basic filing fee is currently \$ 770, and the fee for Claims in excess of twenty is \$ 18. Accordingly, the fee deficiencies designated as (a) and (c) are based on the amounts previously due for a small entity.

With respect to fee deficiency (a), prior counsel for Applicant authorized the Patent Office to charge \$ 385. However, the basic filing fee for a small entity at that time was \$ 395. An authorization to “[c]harge any additional filing fees required under 37 CFR 1.16 and 1.17” was included; however, it is not known whether an additional \$ 10 was charged or not. If not, the deficiency is equal to \$ 395 plus \$ 10, or \$ 405.

With respect to fee deficiency (b), prior counsel for Applicant authorized the Patent Office to charge \$ 280. However, the fee for independent claims in excess of three for a small entity at that time was \$ 41. Thus, the amount due was \$ 287. An authorization to “[c]harge any additional filing fees required under 37 CFR 1.16 and 1.17” was included; however, it is not known whether an additional \$ 7 was charged or not. If not, the fee deficiency is \$ 322 as shown.

With respect to fee deficiency (c), prior counsel for Applicant authorized the Patent Office to charge \$ 451 for 41 claims in excess of twenty. However, Claim 47 includes the text of Claim 47 and an additional unnumbered claim, for a total of 42 claims in excess of twenty. Thus, the amount due was \$ 462. An authorization to “[c]harge any additional filing fees required under 37 CFR 1.16 and 1.17” was included; however, it is not known whether an additional \$ 11 was charged or not. If not, the fee deficiency is equal to \$ 462 plus \$ 11, or \$ 473.

In accordance with 37 C.F.R. § 1.28(c), enclosed please find a check in the amount of \$ 1,265.00 for the total fee deficiency. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Helen E. Wendler
Helen E. Wendler
Registration No. 37,964
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

June 14, 2004

Adjust RAM Sale/Item**Adjustment**

Reason: CHANGING ENTITY STATUS

Sale

Sale Ref: 11/20/1997 JTIPPETT 57 Status: Active

Mailroom Date: 10/27/1997 Type: 1 Name/Number: 08842898 Attorney Docket No: MAA-004.02

Select Sale

Ne St	Fee Code	St Code	Name/Number	Fee Amount	Qty	Partial	Extended Amount	D
201	A	08842898		395.00	1	F	395.00	
202	A	08842898		41.00	7	F	287.00	
203	A	08842898		11.00	41	F	451.00	
205	A	08842898		65.00	1	F	65.00	

Undo All**Total Amount to Credit:****Select Payment to credit back**

Accounting Date	Operator	Type Code	Payment Amount	Amount Allocated to this Sale	Amount to credit back
--------------------	----------	--------------	-------------------	----------------------------------	--------------------------

Set Amount**Undo all****Payment Detail**

Adjustment date: 06/22/2004 CNGUYEN
 11/20/1997 JTIPPETT 00000057 061448 08842898
 01 FC:201 395.00 CR
 02 FC:202 287.00 CR
 03 FC:203 451.00 CR
 04 FC:205 65.00 CR